

AMENDED IN ASSEMBLY JULY 1, 1998
AMENDED IN ASSEMBLY JUNE 17, 1998
AMENDED IN ASSEMBLY MAY 21, 1998
AMENDED IN SENATE MARCH 19, 1998

SENATE BILL

No. 1615

Introduced by Senator Lockyer
(Coauthor: Senator Alpert)
(Coauthor: Assembly Members Perata and Wayne)

February 12, 1998

An act to amend Section 33492.127 of, and to add Section 33492.19 to, the Health and Safety Code, relating to redevelopment, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1615, as amended, Lockyer. Redevelopment: military base: environmental impact report.

(1) ~~The existing law for~~ *Existing law applicable to* military base conversion redevelopment agencies provides that if a redevelopment agency finds that the application of the California Environmental Quality Act (CEQA) to the redevelopment plan is required to be delayed, the redevelopment agency shall certify an environmental impact report for the redevelopment plan within 18 months after the effective date of the ordinance adopting the redevelopment plan and that if, as a result of the environmental document prepared, it is necessary to amend the redevelopment plan to

mitigate any impacts, the agency shall amend the redevelopment plan, as specified. Existing law also provides that if the environmental document has not been certified, all projects that implement the redevelopment plan are subject to CEQA.

This bill instead would require the City Council of the City of San Diego, as the redevelopment agency, to certify an environmental impact report for the Naval *Training* Center Redevelopment Plan within 30 months after the effective date of the ordinance adopting the plan. The bill would also require that the approval of projects to implement the redevelopment plan comply with specified conditions pending certification of the environmental impact report.

This bill would also declare the Legislature's finding that a special statute is necessary to carry out the purposes of this act.

(2) The existing Community Redevelopment Law authorizes the adoption of a redevelopment plan for territory within the Alameda Naval Air Station and the Fleet Industrial Supply Center pursuant to prescribed provisions of law, and authorizes a redevelopment agency to determine that the application of the California Environmental Quality Act to a military base conversion redevelopment plan should be delayed for up to 18 months after the effective date of the ordinance adopting the plan.

This bill would require the agency or the community, as defined, to certify an environmental impact report for the Alameda Naval Air Station and the Fleet Industrial Supply Center within 30 months after the effective date of the ordinance adopting the plan. The bill would prescribe requirements for the approval of projects during that period.

(3) *This bill would declare that it is to take effect immediately as an urgency statute.*

Vote: ~~majority~~ ^{2/3}. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 33492.19 is added to the Health
2 and Safety Code, to read:



1 33492.19. (a) Notwithstanding the time limit in
2 subdivision (b) of Section 33492.18, the City Council of
3 the City of San Diego shall certify an environmental
4 impact report for the Naval Training Center
5 Redevelopment Plan within 30 months after the effective
6 date of the ordinance adopting that redevelopment plan.

7 (b) The following provisions shall apply to the
8 approval of projects that implement a redevelopment
9 plan authorized by this article:

10 (1) For 18 months after the effective date of the
11 ordinance adopting the redevelopment plan, or until the
12 certification of an environmental impact report for the
13 redevelopment plan if the report is certified during that
14 18-month period, subdivision (c) of Section 33492.18 shall
15 apply.

16 (2) If an environmental impact report for the
17 redevelopment plan is not certified within 18 months
18 after the effective date of the ordinance adopting the
19 redevelopment plan, then during the succeeding 12
20 months or until the certification of an environmental
21 impact report if the report is certified during that
22 12-month period, no project, as defined in Section 21065
23 of the Public Resources Code, that implements the
24 redevelopment plan shall be approved by the agency or
25 the community.

26 SEC. 2. Section 33492.127 of the Health and Safety
27 Code is amended to read:

28 33492.127. (a) A redevelopment plan covering all or
29 part of the lands of the Alameda Naval Air Station and the
30 Fleet Industrial Supply Center Redevelopment Project
31 may be adopted pursuant to Article 1 (commencing with
32 Section 33492), provided that the project area shall not
33 include territory outside the boundaries of the Alameda
34 Naval Air Station and the Fleet Industrial Supply Center.

35 (b) Notwithstanding the time limit in subdivision (b)
36 of Section 33492.18, the agency or the community shall
37 certify an environmental impact report for the
38 redevelopment plan adopted pursuant to this section
39 within 30 months after the effective date of the ordinance
40 adopting the redevelopment plan.

1 (c) The following provisions shall apply to the
2 approval of projects that implement a redevelopment
3 plan authorized by this article:

4 (1) For 18 months after the effective date of the
5 ordinance adopting the redevelopment plan, or until the
6 certification of an environmental impact report for the
7 redevelopment plan if the report is certified during that
8 18-month period, subdivision (c) of Section 33492.18 shall
9 apply.

10 (2) If an environmental impact report for the
11 redevelopment plan is not certified within 18 months
12 after the effective date of the ordinance adopting the
13 plan, then during the succeeding 12 months or until the
14 certification of an environmental impact report if the
15 report is certified during that 12-month period, no
16 project, as defined in Section 21065 of the Public
17 Resources Code, that implements the redevelopment
18 plan shall be approved by the agency or the community
19 unless any of the following occurs:

20 (A) The agency or the community has approved a
21 negative declaration or certified an environmental
22 impact report, or has certified a subsequent or
23 supplemental environmental impact report, for the
24 project before the expiration of the 18-month period
25 provided in Section 33492.18.

26 (B) The agency or the community has certified a
27 subsequent or supplemental environmental impact
28 report for the project where the environmental impact
29 report for the project was certified before the expiration
30 of the 18-month period provided in Section 33492.18.

31 (C) The agency or the community complies with
32 Chapter 4.5 (commencing with Section 21156) of
33 Division 13 of the Public Resources Code for subsequent
34 projects described in a master environmental impact
35 report as being within the scope of the report, and that
36 master environmental impact report was certified before
37 the expiration of the 18-month period provided in Section
38 33492.18.

39 (D) The project is categorically exempt pursuant to
40 Article 19 (commencing with Section 15300) of Chapter



1 3 of Division 6 of Title 14 of the California Code of
2 Regulations.

3 SEC. 3. The Legislature finds and declares that a
4 special law is necessary and that a general law cannot be
5 made applicable within the meaning of Section 16 of
6 Article IV of the California Constitution because of the
7 unique circumstances of the City of San Diego and its
8 community redevelopment agency. The facts
9 constituting the special circumstances are as follows:

10 In May 1997, the City Council of the City of San Diego
11 adopted the Naval Training Center Redevelopment
12 Plan. The city council expected to certify the final
13 environmental impact report for this project within 18
14 months, pursuant to Section 33492.18 of the Health and
15 Safety Code. Unforeseen delays by federal agencies in the
16 preparation of a separate environmental assessment have
17 delayed the project's environmental impact report for
18 that redevelopment plan. Accordingly, these special
19 circumstances require a special extension of the deadline
20 for certifying the environmental impact report for the
21 Naval Training Center Redevelopment Plan.

22 *SEC. 4. This act is an urgency statute necessary for the*
23 *immediate preservation of the public peace, health, or*
24 *safety within the meaning of Article IV of the*
25 *Constitution and shall go into immediate effect. The facts*
26 *constituting the necessity are:*

27 *In order to provide for an extension for the deadline for*
28 *certification of the environmental impact report for the*
29 *Naval Training Center Redevelopment Plan adopted by*
30 *the City Council of San Diego, it is necessary that this act*
31 *go into immediate effect.*

